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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,824	06/27/2000	Jeffrey C. Schroeder	FL001	4570

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EXAMINER

SLOAN, NATHAN A

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/604,824

Applicant(s)

SCHROEDER, JEFFREY C.

Examiner

Nathan A Sloan

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 34-88

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☒ The drawing correction filed on 19 January 2004 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☒ Other: Notice of References Cited (PTO-892)

*Advisory Action*

1. Applicant's arguments filed 1/19/04 have been fully considered but they are not persuasive.

With respect to claims 34-41, 44-46, and 75-88, applicant asserts that Shelton only presents a "brief and vague reference to real-time video related to weather." Nevertheless, applicant directly quotes and agrees that Shleton states at col. 3:20-35 in part a teaching to "...communicate superimposed images to end users" where the images are explicitly taught to be **"real time images being collected with a video camera at the same time as the weather data is being collected.** In this fashion, the system is capable of providing end users with high information content weather images ... superimposed upon a satellite picture of the region in question...." Thus, regardless of what Shelton teaches in later sections of the specification, real-time images are explicitly taught by Shelton and amount to a very clear and agreed upon teaching rather an asserted "brief and vague" teaching. See also col. 3:35-49. Applicant further contends that Shelton was not capable of performing this because modems were not fast enough and states that at the time of filing "modem speed was only as much as 28.8kbps or perhaps 33.6kbps." First, examiner notes that applicant is not certain to the modem speed at the time ("perhaps 33.6kbps") and rather makes a broad assertion that the system of Shelton is not enabling. Applicant argues about a modem not being capable of transmitting "television broadcast signals" based on speed at the time of Shelton's invention. However, a modem of Shelton need not explicitly be able to perform such an action, rather, Shelton could easily be modified with any higher speed modem up to the time of the present invention. Regardless,

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applicant only claims that weather parameter signals are transmitted from a monitoring station, which are then converted into television signals. That is, Shelton does not have to teach transmission of television signals by modem because no such limitations is present. Rather, claims 37-38 are directed at transmitting the "weather parameter signals." This is met quickly with reference to Fig. 1 of Shelton, showing remote weather stations 38, 44, 36 transmitting weather parameter signals via modem 39 to base computer 4 for combining and converting via NTSC converter 16 into television signals, as claimed. Shelton actually teaches a variety of other communication methods such as cellular, short wave, and other wireless communications. This is specifically what applicant claims in claims 37-38, namely "a wireless modem" or "cellular communications network." As Shelton explicitly teaches the claimed subject matter these arguments are not deemed convincing.

Furthermore, applicant argues Shelton does "not teach or disclose means for selecting an output television signal." This signal is corresponding to first icon signals at a first location with first broadcast signals or second televisions signals with second icon signals and second weather parameters. In summary, the ability to select from weather signals with icons from multiple sources. This is explicitly taught by Shelton in col. 2:58-65: remote location computer "also enables multiple users from a variety of locations to access and view the stored and real-time data ... multiple users can view different pieces of information without conflict from each user. This data can be distributed in broadcast format...." That is, Shelton explicitly teaches allowing users to view various pieces of information at their desire from the plurality of monitoring stations 38, 44, 46 (Fig. 1). This is taught throughout Shelton such as col. 3:35-49 in part "another advantage is extremely high information content images can be collected and

communicated to users in real time, from multiple weather sites.” For example, each signal is corresponding to weather data and a satellite broadcast of the area in question (col. 3:20-35). This signal is available for selection as previously noted by enabling users to select from weather signals from multiple signals and having a corresponding broadcast of the area in question. Applicant asserts that “video signal 18 ... can only logically show information from one location superimposed on a pictorial image of that one location.” This is met as noted above, clearly (Fig. 1) Shelton teaches a plurality of locations and superimposed images available for selection by a viewer.

With respect to claim 41, applicant asserts that “real-time monitoring” and delivery to users as explicitly taught by Shelton does not meet “continuously monitoring for changes over time, so that changes in the weather parameters can be matched with changes in television broadcast signals.” Examiner disagrees. Shelton teaches real-time monitoring, claimed continuously monitoring, and matching with a images for a region in question.

With respect to claim 42, applicant asserts that TDMA is not obvious to use “with transmission of real-time video.” However, applicant does not claim in claim 42 TDMA transmission of real-time video, only for “communications between the monitoring station and the base station,” which as recited in claim 34 are “weather parameter signals,” not real-time video. No traversal of the Official Notice taken is provided and the examiner correspondingly upholds previous rejections.

With respect to claims 49-51, 59-60, 63-65, and 73-74, applicant traverses examiner’s Official Notice taken regarding that “poll interrupt logic was notoriously well known in the art at the time of the invention.” This is met by applicants own admitted prior art on p. 9 of the

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specification as noted on p. 10 of the response filed 1/ 19/04 stating "the poll-select protocol was developed by Burroughs (a predecessor company of assignee)." Examiner additionally supplies Catiller et al. (4,428,043) and Andreassen et al. (4,701,845).


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan A Sloan whose telephone number is (703) 305-8143. The examiner can normally be reached on Mon-Fri 7:30am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703)305-4795. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-HELP.

NAS

  
JOHN MILLER  
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